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UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
3628	

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10/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/902,479	BROWN ET AL.
	Examiner	**Art Unit**	
	Nathan Erb	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 July 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10 and 12-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10 and 12-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.   Applicants' response to Office action was received on July 10, 2007.

3.   In response to applicants' amendment of the claims, all of the claim objections from the previous Office action are hereby withdrawn.

4.   In response to applicants' amendment of the claims, the corresponding prior art rejections have been correspondingly amended below in this Office action.

5.   Applicants argue that representative independent claim 1 is patentable due to the amendment of claim 1 to include the element/limitation of "receiving a print program from said website server over the Internet." Applicants argue that this element/limitation is not disclosed by Kara et al. because Kara et al. does not disclose downloading a print program from the Internet. Examiner disagrees. A good summary of the invention of Kara et al. is provided in Kara et al., column 6, lines 13-29, which states: "The present invention allows an individual to purchase a desired amount of postage at a location remote from a postal metering device, such postage being electronically transmitted to the individual nearly instantaneously upon demand. In a preferred embodiment the user invokes a first processor-based system (PC) to request and receive postage via a program, hereinafter referred to as the "Demand" program, stored on the first PC. The Demand program requests input from the user, coupled devices, or processes about the weight of the item to be mailed, the destination address, etc. The Demand program utilizes the input information to calculate the amount of desired postage for an item to be mailed. A

demand for postage is then made to a remote metering system. This postage is to be subsequently printed by the first PC on an envelope, label or letter through a printer or special purpose label maker coupled to the first PC." Kara et al. sets forth that the electronic communication described above may occur over the Internet in Kara et al., column 8, lines 30-32, which states: "Alternatively, PSN 103 comprises digital communication over the Internet or similar wide area public gateway." In addition, Kara et al., column 6, lines 30-38, states: "Although referred to herein as the Demand program, it shall be appreciated that a processor-based system may demand postage according to the present invention without actually storing a specific Demand program thereon. For example, an embodiment of the present invention may utilize a generic browser in order to operate a platform independent Demand program, such as an HTML or JAVA based web page served from a web server operating according to the present invention." The above passage is apparently talking about the functions of the Demand program being executed by a web page with JAVA applets. JAVA applets are programs that are run when viewing a web page for such purposes as enhancing the functions of a web page. When a person visits a web page with JAVA applets, the JAVA applets are downloaded from a server to the person's computer. In the immediately preceding passage, the Demand program, a print program, is embodied in a JAVA-enabled web page. Therefore, Kara et al. does indeed disclose downloading a print program from the Internet and therefore discloses "receiving a print program from said website server over the Internet." Thus, applicants' arguments are not persuasive with respect to this issue.

In support of and to further clarify the above argument, Examiner is including a section

of the book, "Gralla, Preston, How the Internet Works, Millennium Edition, QUE, Indianapolis,

IN, August, 1999, pp. cover, i, iii, v, 200-201."

Claim Rejections - 35 USC § 103

6.   Claims 1-4, 8-9, 25, 27-28, and 31-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kara et al., U.S. Patent No. 6,249,777 B1, in view of Goldberg et al., U.S.

Patent No. 5,848,401.

        As per **Claims 1 and 25**, Kara et al. discloses:

- a method (or system) for obtaining a postage stamp by a user system, comprising a

processor (coupled to memory), a memory, and a printer, from a website (or central) server over

a communications network (column 1, lines 21-32; column 6, lines 12-38; column 7, lines 4-19;

column 8, lines 24-52; user system stores Demand program, so it must have a memory);

- requesting said stamp from said website (or central) server over the Internet (in a

markup language format) (column 1, lines 21-32; column 6, lines 12-38; column 8, lines 24-52;

HTML is a markup language);

- receiving a markup language message over the Internet (in response to said user

request) comprising encoded binary data representing a machine-readable portion of an indicium

associated with said stamp, said indicium comprising a digital signature (column 1, lines 21-32;

column 6, lines 12-38; column 8, lines 24-52; column 13, line 59, through column 14, line 2;

column 17, lines 12-30; HTML is a markup language; computers transmit information in the

form of encoded binary data);

- receiving a print program from said website server over the Internet (column 4, lines 7-37; column 6, lines 12-38; column 8, lines 24-52; JAVA);

- using said print program, printing said machine-readable portion on a label by said printer (wherein said print program is configured to permit the printing of the label on the printer) (column 4, lines 7-37; column 13, line 59, through column 14, line 2);

- a software module stored in said memory for extracting an indicium from the markup language message ((column 1, lines 21-32; column 6, lines 12-38; column 8, lines 24-52; column 13, line 59, through column 14, line 2; column 17, lines 12-30; HTML is a markup language; software module is Demand program);

- a software module stored in said memory for extracting a print program from said markup language message received over the Internet in response to said user request (column 1, lines 21-32; column 4, lines 7-37; column 6, lines 12-38; column 8, lines 24-52; JAVA; HTML is a markup language).

Kara et al. fails to disclose wherein a label is a pre-processed label. Goldberg et al. discloses wherein a label is a pre-processed label (column 2, lines 10-20; pre-printed label). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. such that a label is a pre-processed label, as disclosed by Goldberg et al. Motivation is provided by Goldberg et al. in that using pre-printed postage labels helps prevent postal fraud because the supply of pre-printed postal labels can be controlled (column 2, lines 10-20).

As per **Claim 2**, Kara et al. further discloses wherein said print program is downloaded from said website server and stored in said memory (column 4, lines 7-37; column 6, lines 12-38; JAVA; user system stores Demand program, so it must have a memory).

As per **Claims 3 and 27**, Kara et al. further discloses wherein said markup language includes a Standard Generalized Markup Language (SGML) (column 6, lines 30-38; HTML is an application of SGML).

As per **Claims 4 and 28**, Kara et al. further discloses wherein said markup language includes a Hypertext Markup Language (HTML) (column 6, lines 30-38).

As per **Claim 8**, Kara et al. further discloses wherein said print program does not require a license from the United States Postal Service to execute (no mention of such a licensing requirement in entire reference).

As per **Claim 9**, Kara et al. further discloses wherein said print program does not require a separate account from the United States Postal Service to execute (no mention of such an account requirement in entire reference).

As per **Claim 31**, Kara et al. further discloses wherein said indicium further comprises a serial number (column 4, lines 7-37).

As per **Claim 32**, Kara et al. fails to disclose wherein said pre-processed label has the security feature of individual label serial number. Goldberg et al. discloses wherein said pre-processed label has the security feature of individual label serial number (column 2, lines 10-20; column 7, lines 12-35). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. as modified in the rejection for claim 25 such that said pre-processed label has the security feature of individual label serial number, as disclosed by Goldberg et al. Motivation is provided by Goldberg et al. in that a serial number that identifies a pre-processed label can be used to deter fraudulent printing (column 2, lines 10-20; column 7, lines 12-35).

7.   Claims 5, 10, 12-13, 15-16, 18-19, 21-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara et al. in view of Goldberg et al. in further view of Meyer et al., U.S. Patent No. 6,915,271 B1.

As per **Claims 5 and 26**, Kara et al. and Goldberg et al. fail to disclose wherein said markup language includes an eXtensible Markup Language (XML). Meyer et al. discloses wherein said markup language includes an eXtensible Markup Language (XML) (column 53, lines 9-19). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. as modified in the rejection for claims 1 and 25 such that said markup language includes an eXtensible Markup Language (XML), as disclosed by Meyer et al. Motivation is provided by Meyer et al. in that XML provides more flexibility for designing web pages than HTML (column 53, lines 9-19).

As per **Claims 10 and 22**, Kara et al. discloses:

- a method (or a computer program product stored in a computer readable medium) for

obtaining a postage stamp by a user system, comprising a processor, a memory, and a printer,

from a website server over a communications network (column 1, lines 21-32; column 4, lines 7-

37; column 6, lines 12-38; column 7, lines 4-19; column 8, lines 24-52; user system stores

Demand program, so it must have a memory; computer program product is Demand program);

- storing a print program downloaded from said website server over the Internet in said

memory (column 4, lines 7-37; column 6, lines 12-38; column 8, lines 24-52; JAVA; user system

stores Demand program, so it must have a memory);

- (code for) requesting said stamp from said website server over the Internet (column 1,

lines 21-32; column 6, lines 12-38; column 8, lines 24-52);

- (code for) receiving a message over the Internet comprising encoded binary data

representing a machine-readable portion of an indicium associated with said stamp, said

indicium comprising a digital signature (column 1, lines 21-32; column 6, lines 12-38; column 8,

lines 24-52; column 13, line 59, through column 14, line 2; column 17, lines 12-30; computers

transmit information in the form of encoded binary data);

- code for receiving a print program from said website server over the Internet (column 4,

lines 7-37; column 6, lines 12-38; column 8, lines 24-52; JAVA);

- (code for) using said print program, printing said machine-readable portion on a label

by said printer (column 4, lines 7-37; column 13, line 59, through column 14, line 2).

Kara et al. fails to disclose wherein a label is a pre-processed label. Goldberg et al.

discloses wherein a label is a pre-processed label (column 2, lines 10-20; pre-printed label). It

would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. such that a label is a pre-processed label, as disclosed by Goldberg et al. Motivation is provided by Goldberg et al. in that using pre-printed postage labels helps prevent postal fraud because the supply of pre-printed postal labels can be controlled (column 2, lines 10-20).

Kara et al. and Goldberg et al. fail to disclose wherein a message is an XML message. Meyer et al. discloses wherein a message is an XML message (column 53, lines 9-19). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. as modified above in this rejection such that a message is an XML message, as disclosed by Meyer et al. Motivation is provided by Meyer et al. in that XML provides more flexibility for designing web pages than HTML (column 53, lines 9-19).

As per **Claims 12 and 23**, Kara et al. and Goldberg et al. fail to disclose communicating using an XML data structure. Meyer et al. further discloses communicating using an XML data structure (column 53, lines 9-19). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. as modified in the rejection for claims 10 and 22 such that it communicates using an XML data structure, as disclosed by Meyer et al. Motivation is provided by Meyer et al. in that XML provides more flexibility for designing web pages than HTML (column 53, lines 9-19).

As per **Claim 13**, Kara et al. further discloses submitting information in a postage request (column 9, lines 1-15). Kara et al. and Meyer et al. fail to disclose wherein information is a

serial number that identifies said pre-processed label. Goldberg et al. discloses wherein

information is a serial number that identifies said pre-processed label (column 2, lines 10-20;

column 7, lines 12-35). It would have been obvious to one of ordinary skill in the art at the time

of applicant's invention to modify the invention of Kara et al. as modified in the rejection for

claim 12 such that information is a serial number that identifies said pre-processed label, as

disclosed by Goldberg et al. Motivation is provided by Goldberg et al. in that a serial number

that identifies a pre-processed label can be used to deter fraudulent printing (column 2, lines 10-

20; column 7, lines 12-35).

As per **Claim 15**, Kara et al., Goldberg et al., and Meyer et al. fail to disclose wherein a

program is downloaded only once. However, that element/limitation was well-known to one of

ordinary skill in the art at the time of applicants' invention. It would have been obvious to one of

ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al.

as modified in the rejection for claim 10 such that the print program is downloaded only once; in

doing so, a program would be downloaded only once, as was well-known in the art at the time of

applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill

in the art at the time of applicants' invention that downloading a program only once and saving it

to one's computer saves time by avoiding having to download the program again when it is

needed in the future.

As per **Claim 16**, Kara et al. further discloses wherein said print program is downloaded each time a user logs into said website server (column 4, lines 7-37; column 6, lines 13-38; column 8, lines 53-67; JAVA).

As per **Claim 18**, Kara et al. and Meyer et al. fail to disclose wherein said pre-processed label has the security feature of individual label serial number. Goldberg et al. discloses wherein said pre-processed label has the security feature of individual label serial number (column 2, lines 10-20; column 7, lines 12-35). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. as modified in the rejection for claim 10 such that said pre-processed label has the security feature of individual label serial number, as disclosed by Goldberg et al. Motivation is provided by Goldberg et al. in that a serial number that identifies a pre-processed label can be used to deter fraudulent printing (column 2, lines 10-20; column 7, lines 12-35).

As per **Claims 19 and 24**, Kara et al. further discloses wherein the message further comprises a meter number, a (postal) rate class, and an amount of postage (column 4, lines 7-37; column 13, lines 41-50; column 17, lines 12-30).

As per **Claim 21**, Kara et al. further discloses using said print program, printing said meter number on said label by said printer; using said print program, printing said rate class on said label by said printer; and using said print program, printing said amount of postage on said label by said printer (column 4, lines 7-37; column 13, lines 41-50; column 17, lines 12-30).

8.   Claims 6 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara et al. in view of Goldberg et al. in further view of Kramer et al., U.S. Patent No. 6,163,772.

        As per **Claims 6 and 29**, Kara et al. and Goldberg et al. fail to disclose wherein said print program (or software module) includes an ActiveX control. Kramer et al. discloses wherein said print program (or software module) includes an ActiveX control (column 13, lines 22-42). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. as modified in the rejection for claims 1 and 25 such that said print program (or software module) includes an ActiveX control, as disclosed by Kramer et al. Motivation is provided by Kramer et al. in that ActiveX controls enable parts of software to be embedded in web pages (column 13, lines 22-42).

9.   Claims 7 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara et al. in view of Goldberg et al. in further view of Gravell et al., U.S. Patent No. 6,098,058.

        As per **Claims 7 and 30**, Kara et al. and Goldberg et al. fail to disclose wherein said print program (or software module) includes a dynamic link library (dll) file. Gravell et al. discloses wherein said print program (or software module) includes a dynamic link library (dll) file (column 6, line 52, through column 7, line 6; column 8, lines 15-24; column 9, lines 11-31). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of Kara et al. as modified in the rejection for claims 1 and 25 such that said print program (or software module) includes a dynamic link library (dll) file, as disclosed by Gravell et al. Motivation is provided by Gravell et al. in that a dll file can be used to perform

postal metering functions, in particular, preventing the printing of postal indicia without proper

payment accounting (column 6, line 52, through column 7, line 6; column 8, lines 15-24; column

9, lines 11-31).

10.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kara et al. in

view of Goldberg et al. in further view of Meyer et al. in further view of Kramer et al.

        As per **Claim 14**, Kara et al., Goldberg et al., and Meyer et al. fail to disclose wherein

said print program includes an ActiveX control. Kramer et al. discloses wherein said print

program includes an ActiveX control (column 13, lines 22-42). It would have been obvious to

one of ordinary skill in the art at the time of applicants' invention to modify the invention of

Kara et al. as modified in the rejection for claim 10 such that said print program includes an

ActiveX control, as disclosed by Kramer et al. Motivation is provided by Kramer et al. in that

ActiveX controls enable parts of software to be embedded in web pages (column 13, lines 22-

42).

11.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kara et al. in

view of Goldberg et al. in further view of Meyer et al. in further view of Hind et al., U.S. Patent

No. 6,978,367 B1.

        As per **Claim 17**, Kara et al., Goldberg et al., and Meyer et al. fail to disclose wherein

said encoded binary data is base 64. Hind et al. discloses wherein said encoded binary data is

base 64 (column 26, lines 21-32). It would have been obvious to one of ordinary skill in the art

at the time of applicants' invention to modify the invention of Kara et al. as modified in the

rejection for claim 10 such that said encoded binary data is base 64, as disclosed by Hind et al.

Motivation is provided by Hind et al. in that base 64 is a well-known option for encrypting data

(column 26, lines 21-32).

12.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kara et al. in

view of Goldberg et al. in further view of Meyer et al. in further view of Kara 2, U.S. Patent No.

6,233,568 B1.

As per **Claim 20**, Kara et al. and Meyer et al. fail to disclose using a microprint line.

Goldberg et al. discloses using a microprint line (column 6, lines 60-65; column 7, lines 12-35).

It would have been obvious to one of ordinary skill in the art at the time of applicants' invention

to modify the invention of Kara et al. as modified in the rejection for claim 10 such that it uses a

microprint line, as disclosed by Goldberg et al. Motivation is provided by Goldberg et al. in that

microprint acts as a security feature (column 6, lines 60-65; column 7, lines 12-35).

Kara et al., Goldberg et al., and Meyer et al. fail to disclose using a logo in postal indicia.

Kara 2 discloses using a logo in postal indicia (column 12, lines 43-48; column 23, lines 17-21).

It would have been obvious to one of ordinary skill in the art at the time of applicants' invention

to modify the invention of Kara et al. as modified in the rejection for claim 10 and as modified

above in this rejection such that it uses a logo in postal indicia, as disclosed by Kara 2.

Motivation is provided by Kara 2 in that using a logo in postal indicia allows the indicia to be

personalized (column 12, lines 43-48; column 23, lines 17-21).

Conclusion

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in this
Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than SIX MONTHS from the date of this
final action.

14.   **Examiner's Note:** Examiner has cited particular portions of the references as applied to
the claims above for the convenience of the applicant. Although the specified citations are
representative of the teachings in the art and are applied to the specific limitations within the
individual claim, other passages and figures may apply as well. It is respectfully requested that
the applicant, in preparing the responses, fully consider the references in entirety as potentially
teaching all or part of the claimed invention, as well as the context of the passage as taught by
the prior art or disclosed by the examiner.

15.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The
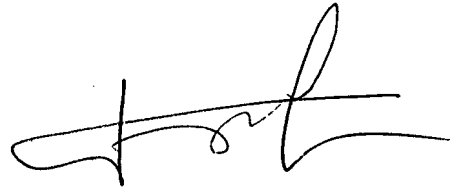examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb
Examiner
Art Unit 3628

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IGOR N. BORISSOV
PRIMARY EXAMINER